



#11 DPC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE OF THE COMMISSIONER OF PATENTS

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip Horse Saddle Pad  
Group No. 3643  
Attorney's Docket No. 3843  
Customer No. 23456

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OFFICE OF PETITIONS

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P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO  
37 C.F.R. 1.137(a), OR, IN THE ALTERNATIVE 37 C.F.R. 1.137(b)**

Applicant hereby petitions for revival of the above-identified application, which was unavoidably abandoned as a result of Applicant's failure to timely respond to the formal drawing requirements set out in the Notice of Allowance.

In support of this Petition, enclosed are (1) the Declaration of James A. Williams, the inventor ("Declaration of Williams"); (2) the Declaration of I.C. Waddey, Attorney for Applicant ("Declaration of Attorney Waddey"); (3) the petition fee as set forth in 37 C.F.R. 1.17(l); and (4) the reply required to the outstanding notice, which are the formal drawings (Figs. 1-9).

Together, the Declarations of Williams and Attorney Waddey describe the events leading up to the undersigned's first knowledge of the case having gone abandoned.

10/29/2004 SDENB001 00000068 08957494

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55.00 DP

James A. Williams filed the above-captioned application as a *pro se* inventor on October 24, 1997. Declaration of Williams, ¶¶ 1, 2 and Exhibit A attached thereto. After receiving the first Office Action, Mr. Williams contacted me, gave me a copy of the official action, and asked me to represent him, which I agreed to do. Declaration of Williams, ¶¶ 3, 4 and Exhibit B attached thereto; Declaration of Attorney Waddey, ¶ 3. In accordance with the inventor's instructions, I prepared a proper response to the official action, including a Declaration and Power of Attorney. The complete Response and Amendment, Substitute Specification, Revised Drawings and self-addressed stamped return postcard were timely filed with the US Patent and Trademark Office. Declaration of Attorney Waddey, ¶ 4 and Exhibit 1 attached thereto; Declaration of Williams, ¶ 5 and Exhibit C attached thereto.

The Examiner called our office to conduct a telephone conference about the merits of the application on or about May 20, 1999. Although the copy of the file wrapper that we received indicates that I conducted the telephone interview, my best recollection is that the examiner called me and I asked him to discuss it with David Pieper, an associate at our office at that time. Declaration of Attorney Waddey, ¶ 5. In any event, agreement was reached as to amendments to the claims and to the specification. Declaration of Attorney Waddey, ¶ 5.

Because the Examiner spoke with someone from our office - either me or Mr. Pieper - about this application, this indicates to me that the Examiner saw the

Declaration and Power of Attorney and that it was properly associated with the file.

Declaration of Attorney Waddey, ¶ 6.

Even though the members of my firm and I were appointed attorney of record and even though the examiner discussed the application with one of us, the US Patent Office sent the inventor, rather than the appointed attorneys, the Notice of Allowance and Issue Fee Due. Declaration of Attorney Waddey, ¶ 8; Declaration of Williams, ¶ 7 and Exhibit D attached thereto.

After a long while and because our firm had not received any communications about this matter from the patent office, another member of our firm sent a Status Request to the US Patent Office on or about August 29, 2001. Declaration of Attorney Waddey ¶ 9 and Exhibit 3 attached thereto. We did not receive any response to our Status Request and Mr. Pieper has since left our firm. Declaration of Waddey, ¶¶ 10 - 11.

On or about February 25, 2004, Mr. Williams called me about an infringement issue. Upon looking into the matter, I discovered from the Patent Office's information retrieval system that the patent application had gone abandoned. Declaration of Waddey, ¶¶ 13. My assistant, Ruth Cropper, then contacted the Examiner to see what had happened because our file did not show any activity other than the filing of the response to the Patent Office on March 9, 1999 and the status request filed in August 2001.

In response to our inquiry, Examiner Swiatek faxed to us six pages on March 9, 2004 at 10:59 a.m. Declaration of Attorney Waddey, ¶ 13 and Exhibit 4 attached thereto. Notably, Exhibit 4 includes a copy of the Notice of Allowability, the Notice of Allowance and Issue Fee Due, and the Issue Fee document, which the inventor completed, and the Notice of Abandonment. Declaration of Williams, ¶ 7.

Because we could not read the address on the Notice of Allowability and Issue Fee Due, we contacted Examiner Swiatek again and on March 9, 2004 at 11:48 a.m., he faxed a two-page document to us including a readable copy of the Notice of Allowability and Issue Fee Due. Declaration of Waddey, ¶16 and Exhibit 5 attached thereto.

The inventor, Mr. Williams, apparently paid the issue fee, but did not submit the formal drawings. Declaration of Williams, ¶ 7, which caused the case to go abandoned. It appears, however, that the Notice of Abandonment was sent to a third address, 601 Halls Mill Road, which has been hand-written onto the document by someone at the Patent Office. See Exhibit 5 to the Declaration of Attorney Waddey. We cannot find any instructions in the file wrapper to send documents to this address. This is neither the address instructed in the Declaration as filed by the inventor or in the Declaration that we subsequently filed.

This address is the address of the inventor's now-ex wife. Due to the nature of his relationship with her at that time, she did not immediately forward that notice to

him and when he did get it, he did not understand the importance of that document and did not notify us about it. Declaration of Williams, ¶ 9.

We note that a paralegal in our office appears to have conducted a search into the status of this matter in February 2002. He appears to have printed out the status of the case from the US Patent Office's web site, which shows that the case was abandoned for failure to submit the formal drawings. Our paralegal probably did this when he was pulling "dead" files to be sent to storage. Declaration of Attorney Wadley, ¶ 12.

Our paralegal, who has since left the firm due to a medical disability, was and is highly qualified and trained in the matters of Patent Office procedures, file maintenance and docketing. His standing instructions were to periodically review our files and send dead files to storage. If, however, there were any questions about the status of a case, or whether a case should be revived, he was to bring that case to the attention of the billing attorney, who would make the ultimate determination. Our paralegal never brought this case to my attention. My best guess is that he inadvertently put this file in the wrong pile and that it got sent to storage. In any event, I never saw those notes about the abandonment until the inventor called me to discuss the issue of infringement. Declaration of Wadley, ¶¶ 12, 13. We believe that this mistake on the part of our paralegal is akin to a docketing mistake and should be correctable by a petition to revive, since we have procedures in place to prevent this

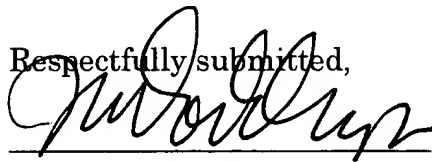
type of mistake and those procedures were not followed, which is an extremely rare occurrence.

***Terminal Disclaimer***

A terminal disclaimer fee is not required since this application was filed after June 8, 1995.

**Conclusion**

Applicant contends that, based on the recitation of facts presented above, this petition to revive should be granted under 37 C.F.R. 1.137(a) because the abandonment was unavoidable; the fee submitted herewith is based on that requested determination. However, if it is determined that this petition does not meet those requirements, then Applicant hereby requests that, in the alternative, this petition be granted under 37 C.F.R. 1.137(b), i.e., based on a determination that the abandonment was unintentional. If the petition is granted under 37 C.F.R. 1.137(b), then the Commissioner is authorized to charge any additional fees to our Deposit Account 23-0035.

Respectfully submitted,  
  
I.C. Waddey, Esq.  
WADDEY & PATTERSON  
A Professional Corporation  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

Attorney for Applicant

**CERTIFICATE OF MAILING**

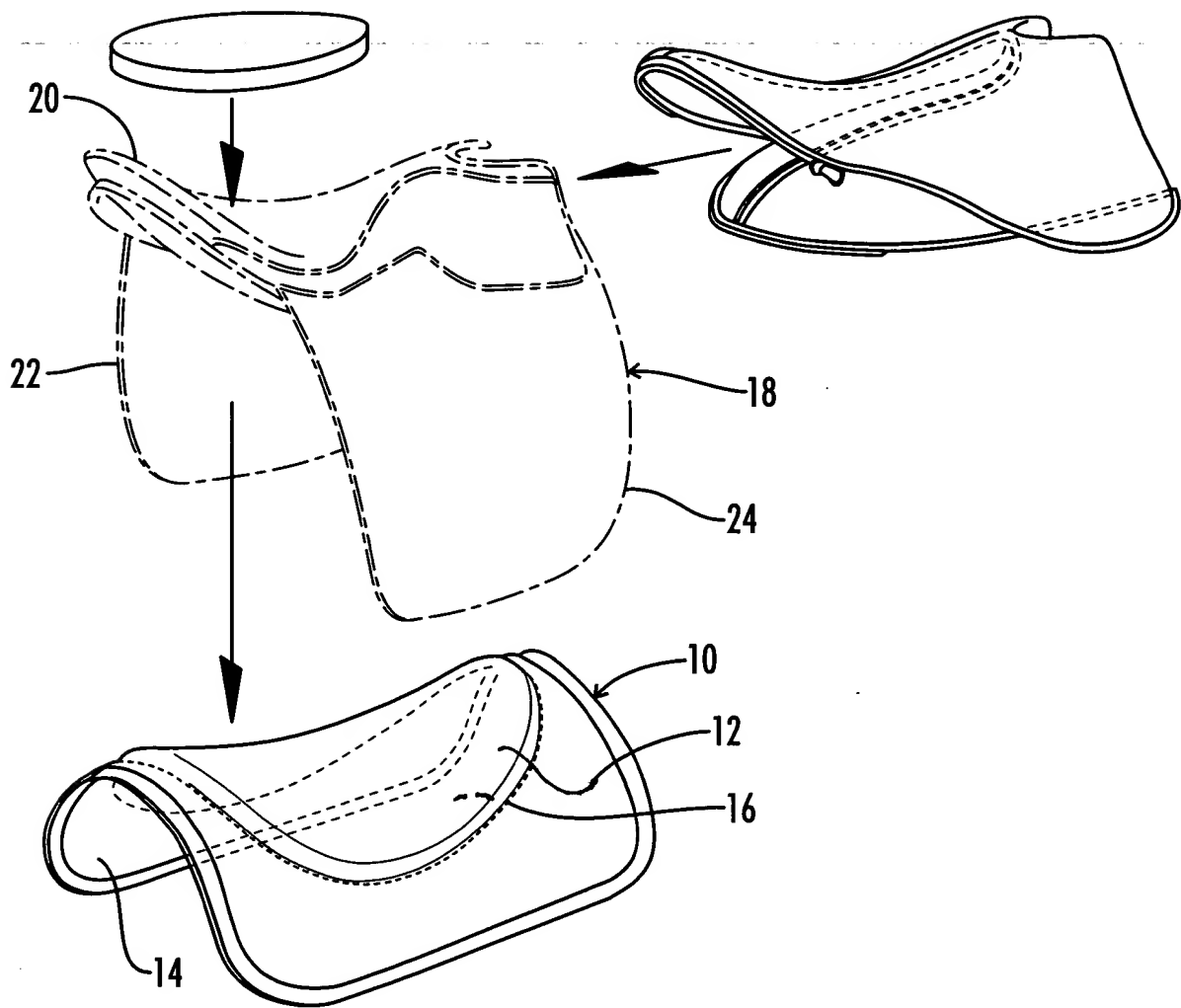
I hereby certify that the foregoing "Petition to Revive Abandoned Application Pursuant to 37 C.F.R. 1.137(a), or, in the Alternative, 37 C.F.R. 1.137(b)," Drawings as required by the Notice of Allowability, Declaration of Attorney Wadley (with exhibits), and Declaration of James A. Williams (with exhibits) are being deposited this day with sufficient postage as first class mail in an envelope addressed to

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Oct. 25, 2004

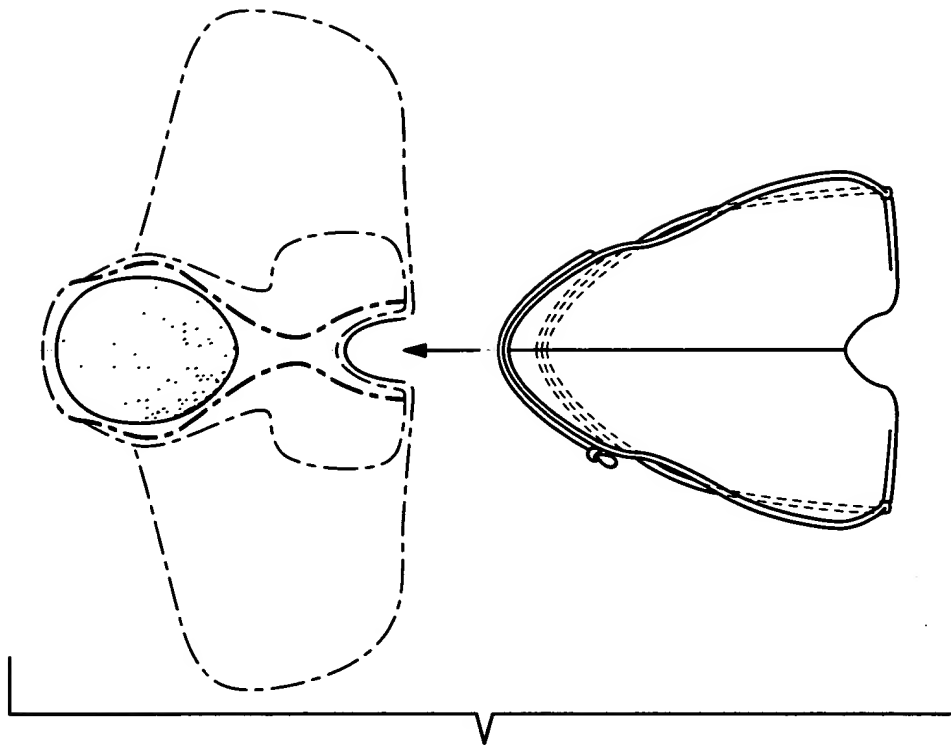
Date

Ruth Cropper  
Ruth Cropper

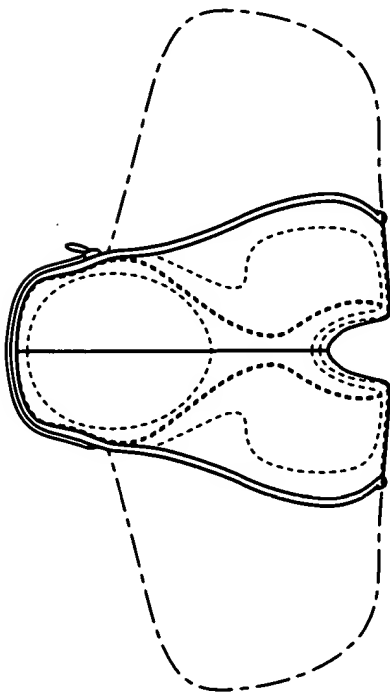


**FIG 1**

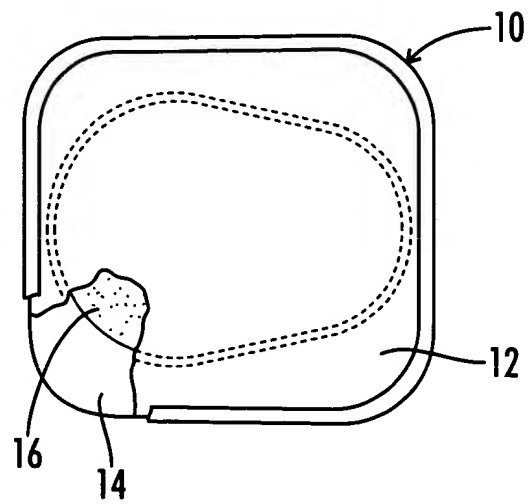




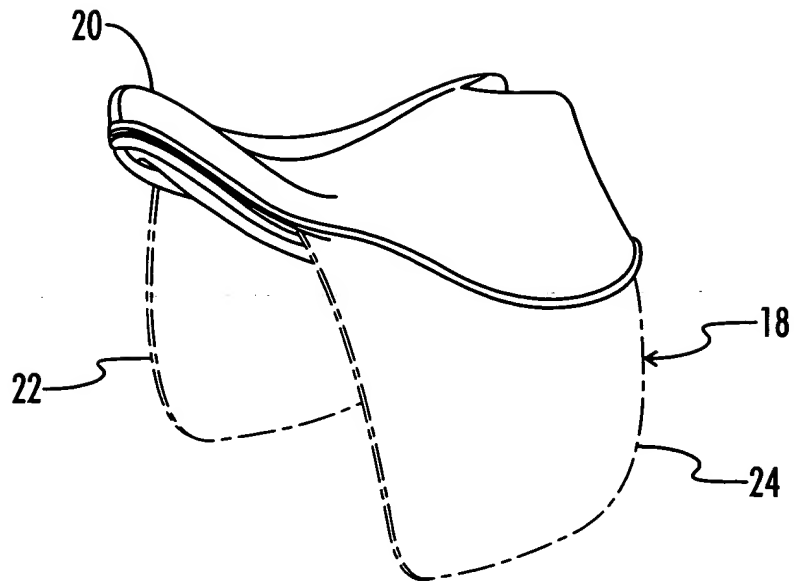
**FIG. 2**



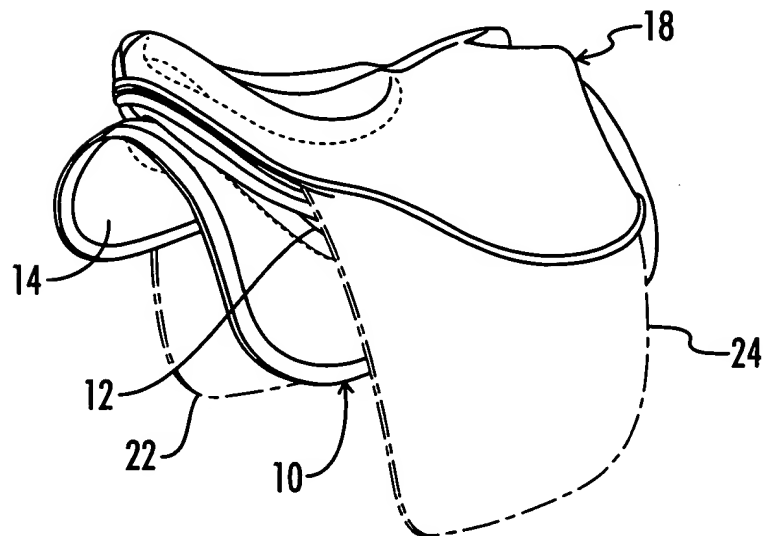
**FIG. 3**



**FIG. 4**



**FIG. 5**



**FIG. 6**

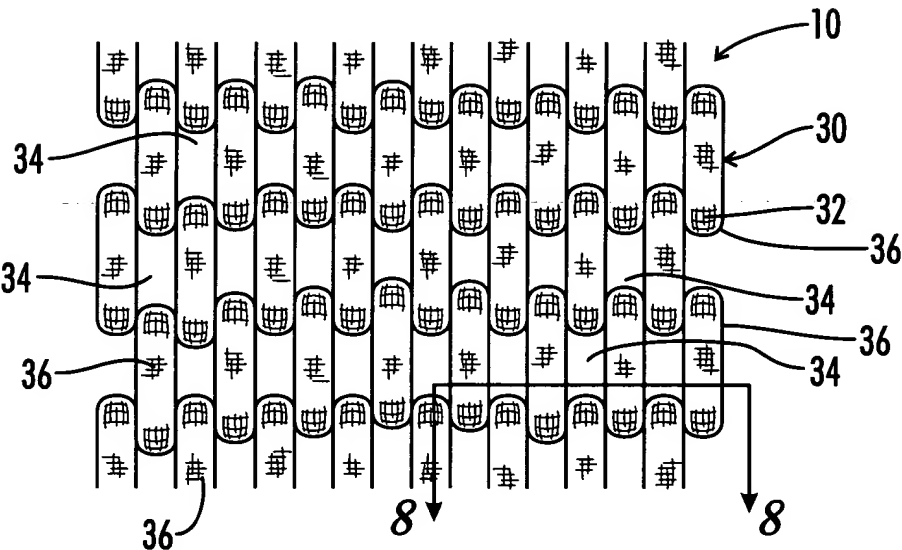


FIG. 7

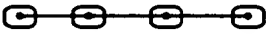


FIG. 8

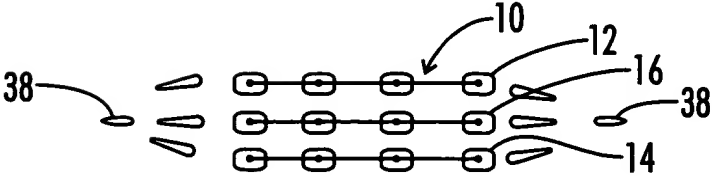


FIG. 9



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For: Non-Slip Horse Saddle Pad  
Group No. 3643  
Attorney's Docket No. 3843  
Customer No. 23456

**DECLARATION OF JAMES A. WILLIAMS**  
**IN SUPPORT OF THE PETITION TO REVIVE**

I, James A. Williams, declare and state the following in support of the Petition to Revive the above-captioned application:

1. I am the inventor of the above-captioned application.
2. I filed the application in the above-captioned matter as a *pro se* inventor on October 24, 1997. I completed a Declaration as an Independent Inventor and instructed correspondence to be sent to me at 113 North Linda Drive, Shelbyville, Tennessee. See Exhibit A.
3. After I filed the application, I received an official action, which was mailed on December 9, 1998, rejecting the application. See Exhibit B. After receiving the official action, I decided to hire Ira C. Waddey, Jr. a registered patent attorney at the firm Waddey & Patterson, PC, and the members of his firm, to represent me in this matter.
4. I spoke with Mr. Waddey about this matter and sent him a copy of the official action.
5. Mr. Waddey sent to me and I signed a Declaration and Power of Attorney. Mr. Waddey prepared a Response to the Official Action, including the Declaration and Power of Attorney, both of which I understand were timely filed with the US Patent Office. A copy of that Response, Declaration and Power of Attorney are attached as Exhibit C.
6. Mr. Waddey also sent to me, after the Response was filed with the Patent Office, a copy of the materials as filed.

Declaration of James A. Williams  
Page 2

7. The next paper that I got regarding this matter apparently was a copy of the Notice of Allowance and Issue Fee due. Even though I appointed Mr. Waddey as my attorney, the US Patent Office apparently sent to me (instead of Mr. Waddey) the Notice of Allowance and Issue Fee Due document. My files are incomplete, but from copies of materials that Mr. Waddey got from the Patent Office, it appears that this document was mailed to me at the address set forth in the declaration that I originally filed, which was 113 North Linda Drive in Shelbyville, TN. See Exhibit D.

8. I did not understand what was going on or why documents were mailed to me rather than my attorney, but in an attempt to comply with the requirements of the Notice of Allowance and Issue Fee Due document, I paid the issue fee, but I did not know about the requirement for, and therefore failed to submit, the necessary formal drawings. I mailed in the completed form and a personal check for the appropriate amount (see Exhibit E), which was duly received by the Patent Office on August 25, 1999, as shown by the stamp on Exhibit E.

9. Since I did not submit the formal drawings, the application went abandoned on May 11, 2000. The Notice of Abandonment was mailed to me at a different address: 601 Halls Mill Road in Shelbyville, Tennessee. See Exhibit F. This address is different than the address set forth in the declaration that I filed and different than the address of the inventor that is recited in the Declaration of Power of Attorney that Mr. Waddey filed. This address is the address of my now-ex wife. I don't know where or how the Patent Office got that address. Due to the nature of our relationship at that time and leading up to our divorce, my ex-wife did not immediately forward that notice to me. I actually received it much later and did not understand the import of that document.

10. Again, not knowing the process, I assumed that I had a patent. I did not know that I was supposed to receive a formal patent document.

11. Several months ago, I learned of a competitor's product that I thought was an infringement of my patent and I contacted Mr. Waddey about enforcing my patent.

12. At that time Mr. Waddey began an investigation and asked me to provide him with any papers that I had.

13. I did not have any documents that I received directly from the Patent Office, so I asked him to get the documents from the Patent Office. After Mr. Waddey got the documents from the Patent Office, and we figured out what had happened, I authorized him to proceed with filing a request to revive the application.

Declaration of James A. Williams

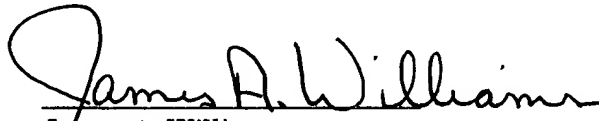
Page 3

14. Based on the above recitation of facts, it is my opinion that the entire delay in filing the required drawings from the due date for replying to the Notice of Allowance and Issue Fee Due until now was unavoidable, or, in the alternative, unintentional, pursuant to 37 C.F.R. § 1.137(a), (b), respectively, and was, in fact, the fault of the Patent Office for sending papers to me rather than to my attorney of record.

I declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any resulting registration resulting therefrom.

Signed this 15 day of October, 2004.

Respectfully submitted,

  
James A. Williams

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (3-97)  
Approved for use through 9/30/98, OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable)           |
|--------------------------------|-------------------|---------------------------------|--|
| N/A                            | N/A               |                                 | RECEIVED<br>NOV 02 2004<br>OFFICE OF PETITIONS |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label here

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
| N/A  | N/A                 |      |                     |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number or Bar Code Label ☐ OR ☐ Correspondence address below

|         |                       |           |              |     |       |
|---------|-----------------------|-----------|--------------|-----|-------|
| Name    | James A. Williams     |           |              |     |       |
| Address | 113 North Linda Drive |           |              |     |       |
| City    | SHELBYVILLE           | State     | Tenn.        | ZIP | 37160 |
| Country | USA                   | Telephone | 615-684-7728 | Fax | -     |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

|  |                       |                        |              |
|--|-----------------------|------------------------|--------------|
| Given Name (first and middle (if any)) |                       | Family Name or Surname |              |
| James Alexander                        |                       | Williams               |              |
| Inventor's Signature                   | James A. Williams     |                        | Date 10/1/97 |
| Residence: City                        | SHELBYVILLE           | State                  | Tenn.        |
|  |                       | Country                | USA          |
| Post Office Address                    | 113 North Linda Drive |                        |              |
| Post Office Address                    |                       |                        |              |
| City                                   | SHELBYVILLE           | State                  | Tenn.        |
|  |                       | ZIP                    | 37160        |
|  |                       | Country                | USA          |

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing

Attorney Docket Number

First Named Inventor

James A. Williams

COMPLETE IF KNOWN

Application Number

Filing Date

10-17-97

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Non-Slip Horse Saddle Pad

(Title of the invention)

the specification of which

☒ is attached hereto  
OR

☐ was filed on (MM/DD/YYYY) N/A as United States Application Number or PCT International

Application Number N/A and was amended on (MM/DD/YYYY) N/A (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s) Filing Date (MM/DD/YYYY)

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/957,494      | 10/24/97    | WILLIAMS             |                     |

JAMES A WILLIAMS  
113 NORTH LINDA DRIVE  
SHELBYVILLE TN 37160

PM52/1209

EXAMINER

SWIATEK, R

ART UNIT PAPER NUMBER

3543

DATE MAILED: 12/09/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

3/9/99 resp to OA  
6/9/99 DDD for response  
DOCKET DATE:         
ASSIGNED BY:         
DOCKETED BY: TH  
DATE: 1/11/99

## Office Action Summary

Application No.

08/957,494

Applicant(s)

Williams

Examiner

Robert P. Swiatek

Group Art Unit

3643

☒ Responsive to communication(s) filed on 24 Oct 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 24 Oct 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

Art Unit: 3643

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate written description of the invention. Figures 2A, 2B, and 4 lack brief descriptions in the section of the specification entitled "Brief Description of the Several Views of the Drawings." Reference numerals 1, 3-10 are each used twice in the specification to refer to two different elements. Each reference numeral must consistently denote only one element throughout the specification. For example, on page 3, line 4, numerals 7, 8 are used to identify side flaps; on page 6, line 2, they are used again to designate foam layers rather than side flaps. In addition, the pages of the specification must be numbered consecutively; reference numeral "11" is not identified in the detailed description of the invention. On page 4, line 12, "proportinate" is a misspelling; on page 5, line 4, it is unclear

Art Unit: 3643

what the term "they" is referring to, in lines 8, 11, reference is made to "inner layers," yet only a single inner layer has been disclosed as being within each pad, in line 23, "dieelectrically" is a misspelling; on page 6, line 4, it is unclear what element numeral "9" is referring to, in line 4, numeral "10" is used to identify a "seam point" while in line 5, the numeral "10" denotes a "seam." It is suggested that a substitute specification--correcting the deficiencies noted above--be filed in any response to this action and the originally-filed specification canceled.

The abstract of the disclosure is objected to because it must consist of only a single paragraph. Correction is required. See MPEP § 608.01(b).

The drawings are objected to because numerals 1-9 have each been used to identify two different elements, which is improper. Correction is required. Each numeral should consistently identify a single component throughout the various figures.

Claims 1-6 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. In claim 1, line 1, use of the term "or" is confusing as it fails to reasonably limit the scope of the invention--the claim must be limited to either a single layer pad (not described or shown as such in the specification or drawings) or a multi-layer, not both. In claim 1, line 3, the phrase

Art Unit: 3643

"extending all layers" is unclear. Applicant should refer to the Arnold reference (5,497,602) for an example of properly-written claims.

An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

If the claims are amended to overcome the rejection under 35 USC 112, second paragraph, they could be allowable.

The patents to Lee (4,695,496), Gonzales (4,827,701), and Green (5,575,139) have been cited to provide examples of prior art saddle pads.

RPS: 0703/308-2700  
25 November 1998—d.10

*Robert P. Swiatek*

ROBERT P. SWIAK  
PRIMARY EXAMINER  
ART UNIT ~~622~~ 3643

**Notice of References Cited**Application No.  
**08/957,494**Applicant(s)  
**Williams**Examiner  
**Robert P. Swiatek**Group Art Unit  
**3643**

Page 1 of 1

**U.S. PATENT DOCUMENTS**

|  |   | DOCUMENT NO. | DATE    | NAME     | CLASS | SUBCLASS |
|--|---|--------------|---------|----------|-------|----------|
|  | A | 5,497,602    | 3-1996  | Arnold   | 54    | 66X      |
|  | B | 4,695,496    | 9-1987  | Lee      | 54    | 66X      |
|  | C | 4,827,701    | 5-1989  | Gonzales | 54    | 66       |
|  | D | 5,575,139    | 11-1996 | Green    | 54    | 66       |
|  | E |              |         |          |       |          |
|  | F |              |         |          |       |          |
|  | G |              |         |          |       |          |
|  | H |              |         |          |       |          |
|  | I |              |         |          |       |          |
|  | J |              |         |          |       |          |
|  | K |              |         |          |       |          |
|  | L |              |         |          |       |          |
|  | M |              |         |          |       |          |

**FOREIGN PATENT DOCUMENTS**

|  |   | DOCUMENT NO. | DATE | COUNTRY | NAME | CLASS | SUBCLASS |
|--|---|--------------|------|---------|------|-------|----------|
|  | N |              |      |         |      |       |          |
|  | O |              |      |         |      |       |          |
|  | P |              |      |         |      |       |          |
|  | Q |              |      |         |      |       |          |
|  | R |              |      |         |      |       |          |
|  | S |              |      |         |      |       |          |
|  | T |              |      |         |      |       |          |

**NON-PATENT DOCUMENTS**

|  |   | DOCUMENT (Including Author, Title, Source, and Pertinent Pages) | DATE |
|--|---|---|------|
|  | U |   |      |
|  | V |   |      |
|  | W |   |      |
|  | X |   |      |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip And Ventilated Horse Saddle Pad  
Group Art Unit: 3643  
Examiner: R. Swiatek  
Attorney's Docket No. 3843

RECEIVED  
NOV 02 2004  
OFFICE OF PETITIONS

RESPONSE AND AMENDMENT

Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is in response to the Office Action mailed December 9, 1998.

In the Drawings:

Please cancel Figures 1, 2A, 2B, 3, 4, 5, 6, 7, and 8 as originally submitted. Please substitute the attached drawings containing Figures 1-9 with changes from the original drawings marked in red. These are proposed amended informal drawing Figures 1-9 as submitted herewith, with amendments from the original drawings shown in red. Upon approval and allowance, formal drawings, which incorporate the amended material, will be filed.

703-308-2700

In the Specification:

Please cancel the entire specification as filed (8 pages) and substitute the attached specification comprising numbered pages 1-17. The substitute specification does not contain any new matter.

In the Claims:

Please cancel Claims 1-6 without prejudice.

Please add Claims 7 - 27 as included in the enclosed specification.

REMARKS

Reconsideration of the application based on the new claims as submitted and arguments submitted below is respectfully requested. This application was filed with claims 1-6. Claims 1-6 have been rejected and claims 1-6 have been canceled. New claims 7- 27 have been added. Therefore, Claims 7-27 are pending in this Application and are presented for consideration.

Amendments to the Drawings

Applicant respectfully requests consideration and approval of the proposed drawing corrections submitted herewith. These drawing corrections are directed towards alleviating the objection of the original drawings due to multiple use of identical numbers to denote separate items. Applicant respectfully defers submission of formal drawings until a receipt of a Notice of Allowability.



### Amendments to the Specification

Applicant respectfully requests reconsideration and withdrawal of the objections to the specification under 35 U.S.C. § 112 and 37 C.F.R. 1.71 after entry of the amendments submitted herein. The amendments submit corrections to the specification to more clearly define the present invention, and no new matter has been added to the specification. These corrections to the specification are directed towards: providing the proper brief descriptions of all of the drawings submitted in this application; eliminating the duplicate use of numbers in the specification for different items; provide numbering for the specification; identify each numeral used in the specification; correct misspellings and ambiguous words in the specification; and correct the form of the abstract of the invention as noted by MPEP §608.01(b).

### Claim Rejections - 35 U.S.C. §112

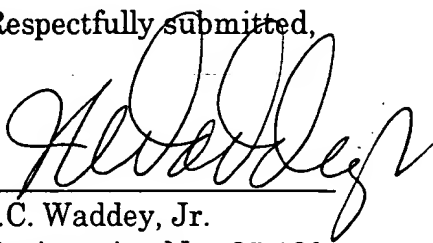
Applicant respectfully notes that new claims have been submitted, and all Claims rejected under the §112 rejection have been cancelled.

In light of the foregoing, applicant respectfully believes the present application to be in condition for allowance. An early and favorable action to that effect is earnestly solicited.

Should there be any matter of form or language which stands in the way of allowance of the present application, the undersigned hereby requests a telephone conference to resolve issues.

Please charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "I.C. Waddey, Jr.", written over a horizontal line.

I.C. Waddey, Jr.  
Registration No.: 25,180  
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ATTORNEY FOR APPLICANT

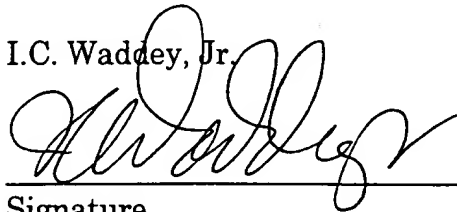
CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response and Amendment, including amended drawing Figures 1-9, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, DC 20231

on March 9, 1999.

I.C. Wadley, Jr.



Signature

Registration Number 25,180

3/9/99  
Date

UNITED STATES PATENT APPLICATION  
FOR  
AN APPARATUS AND METHOD FOR  
A NON-SLIP AND VENTILATED HORSE SADDLE PAD

**CROSS REFERENCE TO RELATED APLICATIONS**

Not Applicable.

**STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT**

Not Applicable.

**REFERENCE TO A MICROFICHE APPENDIX**

Not applicable.

**BACKGROUND OF THE INVENTION**

1. Field of the Invention.

The present invention is directed to an apparatus and method for a saddle pad for animals. More particularly, the invention is directed for use in a Non-Slip and Ventilated Horse Saddle Pad. The invention has utility in applications for horse saddle pads, animal cushioning pads, and the like.

## 2. Prior Art

Past materials used in the construction of saddle pads are constructed from woven materials, or are poured from a solidifying material to form a solid poured form. These materials did not allow for sufficient friction between the object being carried and the animal to allow for the stabilization of the item being carried, such as a saddle. An additional problem associated with the prior art materials was a lack of sufficient air flow to allow for air to circulate around the animal's back or carrying area. The prior art materials did not allow for sufficient airflow while providing an adequate amount of cushion and load distribution to protect the animal's back and absorb the shocks associated with load transportation.

The above described saddle pads suffer from the drawbacks of insufficient air circulation, insufficient padding, inadequate frictional surfaces, and insufficient load distribution for properly carrying a weight on an animal. Hence, there is a need for an eloquently simple, non-slip, ventilated, saddle pad.

### SUMMARY OF THE INVENTION

In accordance with the present invention, an improved non-slip, ventilated saddle pad apparatus and method is provided which addresses the drawbacks of the prior art devices. In one of its exemplary forms, the invention includes a top and bottom layer sandwiching a middle stiffening layer which are all constructed from poly vinyl chloride impregnated scrim.

In accordance with one embodiment of the present invention, a non-slip ventilated saddle pad is provided which includes a first non-slip top layer, a second non-slip bottom layer, and single or multiple stiffener layers contained between the top layer and the bottom layer where at least one of these layers is constructed from a scrim. The top and bottom layers may be bonded together by stitching or dielectric welding. Each of the top and bottom layers may be different colors and they can be constructed from a poly vinyl chloride material or the like.

In accordance with one example of present invention, the top and bottom layers are constructed from a scrim. The scrim is constructed from fibers knitted into a network having intermittent openings spaced along a surface of the surface of the scrim. The scrim is formed from a knitted construction to provide fibers areas that are sufficient to hold and collect a liquid poly vinyl chloride material. The scrim is also designed to maintain openings that will not hold and collect the liquid poly vinyl chloride material when it is applied. The liquid poly vinyl chloride material may be chemically blown onto the fibers areas or the entire knitted construction may be dipped into the liquid poly vinyl chloride material.

In accordance with another example of the present invention, the stiffener layer is constructed from ventilated cushion materials to increase the weight distribution area of the saddle pad. This allows the stiffener layer to increase the contact area of the saddle pad.

In accordance with another example of the present invention, the stiffener layer is constructed from a poly vinyl chloride material that may be manufactured in different colors.

In accordance with a still further example of the present invention, the stiffener layer is constructed from a scrim in a similar manner to that associated with the construction of the top and bottom layers as previously discussed.

A further example of the present invention is a method for constructing a saddle pad apparatus, by knitting a scrim from fibers to form a network having both intermittent openings and fiber areas spaced along the surface of the scrim. Then one applies a poly vinyl chloride or the like to the fibers areas of the scrim; and expands the liquid poly vinyl chloride into foam to form a saddle pad.

An additional example of the present invention is a saddle pad constructed from a scrim.

One object of the foam-coated pads produced by the process of this invention is the construction of a material that is light weight and low in cost. In addition, the foamed poly vinyl chloride pads of this invention provide a high friction material that can be formulated and produced to resist sliding, by a cohesive or adhesive property, across materials with poor friction properties such as leather or horse hair and horse skin. Thus, rough surfaces or adhesives are not necessary with the present invention to prevent the material from sliding when placed in contact with leather or a horse's back.

A further object of the saddle pad of the present invention is its low moisture absorption, easy cleansing ability, fast drying properties, and the fact that it does not collect and retain horse hair or debris. The material is flexible and allows the formation of contoured pads that properly fit a horse's back.

The principal object of the present invention is to provide a non-slip saddle pad for use with carrying objects on animals.

Another object of the present invention is to provide a ventilating saddle pad for use on animals.

A still further object of the present invention is to provide a saddle pad that will simultaneously adhere to a horse's back and a saddlery.

An additional object of the present invention is to provide the desired protective cushion for a saddle pad.

Yet another object of the present invention is to provide the necessary distribution of weight to increase saddle stabilization.

Other objects and further scope of the applicability of the present invention will become apparent from the detailed description to follow, taken in conjunction with the accompanying drawings wherein like parts are designated by like reference numerals.

#### BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is an isometric exploded view of a saddle pad of the present invention as used with a saddle.



Figure 2 is a top exploded view of the saddle pad and saddle as shown in Figure 1.

Figure 3 is a top view of the combined saddle pad and saddle shown in Figures 1 and 2.

Figure 4 is a top view of another embodiment of the multiple layer saddle pad of the present invention.

Figure 5 is an isometric view of a saddle.

Figure 6 is an isometric view of the saddle pad of Figure 4 mounted under the saddle of Figure 5.

Figure 7 is a top view of a saddle pad scrim of the present invention.

Figure 8 is an end view of the saddle pad scrim of Figure 7 along line A-A.

Figure 9 is an end view of the multiple scrim layers of the saddle pad of the present invention.

### **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS**

In accordance with an exemplary embodiment of the present invention as shown in Figures 1-9, a saddle pad apparatus, device, or assembly is generally designated by the reference numeral 10.

With reference to Figures 1-9, there is shown the basic embodiment of the saddle pad 10 of the present invention consisting of a top layer 12, a bottom layer 14 and a stiffener layer 16. This construction allows for a flexible, form fitting,

ventilated, non-slip saddle pad made from a top 12 and bottom 14 outer layer of non-slip material.

The top 12 and bottom 14 layers combine to cover an inner stiffener layer 16 constructed from ventilated stiffener material. This non-slip and ventilated horse saddle pad 10 is made of a cohesive and adhesive poly vinyl chloride foam material that will adhere to a horse's back and simultaneously adhere to the bottom or horse side of saddlery. The material used in the pad 10 can be multiply layered with sufficient plies to provide the desired protective cushion required for the intended use purpose of the individual pad 10 design.

A stiffener rigid inner layer or ply 16 of high density foam sheeting material can also be inserted between the top 12 and bottom 14 outer poly vinyl chloride foam layers to more effectively distribute the total downward weight of the rider and saddle to the horse's back. The stiffener inner layer 16 may be covered with the same adhesive poly vinyl chloride foam material. This material will serve to increase the area of saddle stabilization and the contact area of the saddle and horse in proportion to the size of the total pad. This saddle pad 10 design meets the necessary characteristics of providing a saddle pad 10 that will stay in place, allow air penetration, provide the required cushion for shock absorption. In addition, the multiple layer construction of the saddle pad 10 should be rigid enough to distribute the weight of the saddle and rider over a large enough area to the horses back to eliminate pressure points and chaffing. Thus, the laminated layers of this saddle pad 10 invention comprise a top 12 and bottom 14 non-slip pad, and single or

multiple inner stiffener layers 16 of ventilated cushion materials required to provide sufficient cushion and shock absorption.

The top 12 and bottom 14 outer layers and the inner stiffener layers 16 are permanently bonded together by stitching and or dielectric welding. The dielectrical welding allows the multiple layers 12, 14, and 16 to be spot welded together to achieve the desired level of cushion while maintaining air-flow through the saddle pad 10.

As shown in Figure 1, a non-slip saddle pad 10 is constructed with stiffener insert 16 between the top 12 and bottom 14 layers. This saddle pad 10 is used to cushion a saddle 18 with a cantle 20 and side flaps 22 and 24.

As shown in Figure 4, a cutaway view of the saddle pad 10 of the present invention reveals the inner stiffener layer 16. The saddle pad 10 is constructed of two layers, a top layer 12 and bottom layer 14 of non-slip material, which surround an inner stiffener layer 16 of material used to increase the weight distribution area and contact area of the non-slip saddle pad 10.

Figure 6 shows an isometric perspective view of a non-slip saddle pad 10 installed under a saddle 18 including the inner layer of stiffener material 16.

As shown in Figures 7-9, a scrim 30 is constructed from foam coated material in a open knit pattern that allows air to flow through the pad 10 and dissipate heat. This figure shows a top view of the poly vinyl chloride foam 32 coated material used in the construction of the top 12 and bottom 14 non-slip outer layers of the saddle pad 10. The top and bottom layers 12 and 14 are formed from a scrim 30 coated

with a poly vinyl chloride (~~poly vinyl chloride~~) foam 32. The scrim 30 is made of synthetic fibers that are knitted into a network having intermittent openings 34 spaced along the surface of the scrim 32. The scrim 32 is designed and knitted to provide yarn areas 36 that are sufficient to hold and collect liquid poly vinyl chloride. The yarn areas 36 may also be referred to as fibrous areas 36. The alternate openings 34 are areas that will not collect poly vinyl chloride.

The poly vinyl chloride coated scrim 30 of Figures 7 to 9 are formed by dipping the knitted synthetic fibers of the scrim 30 in a liquid poly vinyl chloride and then gelling the liquid poly vinyl chloride in a curing oven. As well known in the field of poly vinyl chloride, a chemical causes gas to be released into the molten poly vinyl chloride which expands the poly vinyl chloride into a foam. The foam then solidifies and creates the scrim 30 as shown in Figure 7.

Once the poly vinyl chloride has cooled and solidified after the foaming operation, the openings 34 remain in the poly vinyl chloride scrim 30 to produce a soft, resilient, elastomeric foam material with various degrees of surface tack. The desired foam properties can be controlled by changing the types of poly vinyl chloride resins, types of plasticizer, amounts of plasticizer, oven temperatures, and processing speeds used in the manufacture of the scrim 30. The resulting scrim 30 is a uniform cell pattern corresponding to the openings 34 in the scrim 30. However, because the liquid poly vinyl chloride increases in volume as it gells and cools, the scrim 30 pattern from the fiber weave is magnified or increased in size proportionally to the amount of expansion of the poly vinyl chloride.

Different colors of poly vinyl chloride, including black and white, may be used to make different colored pads 10. In addition, differently shaped scrim 30 can be manufactured using the process described.

The fibers used in manufacturing the foam pad scrim 30 increases the tensile strength of the scrim 30 so that they allow the non-slip properties of the blown poly vinyl chloride to be used in this saddle pad 10 application.

Figure 8 shows an end view of the poly vinyl chloride foam coated material 34 used in the construction of the cushioning inner stiffener layers 16 of the saddle pad 10.

Figure 9 shows a cross section of the layered saddle pad 10 taken along line A-A in Figure 7. This figure shows three layers 12, 14, and 16 of poly vinyl chloride foam. Each layer is 0.250" to 0.275" thick and thus, these layers form a total pad 10 thickness of 0.750" minimum. The cells of each layer tend to be compressed by the pressure created by the dielectric weld seam 38. The finished weld seam 38 is 1/8 the thickness of the original three layers 12, 14, and 16 of material. This weld seam 10 serves as a stabilizing bond point between the three layers 12, 14, and 16 and serves as a break line in the total pad 10 construction which allows the pad 10 to drape and fit acceptably on the horse's back.

The poly vinyl chloride foam impregnated fibers are produced to a specified thickness and hardness for use in the construction of the top 12 and bottom <sup>14</sup>~~16~~ outer layers of the saddle pad 10. In addition, the poly vinyl chloride foam impregnated

fibers are produced at another specified hardness for use in construction of the inner layer 16 of the saddle pad 10.

The top 12 and bottom 14 outer layer foam pad material is manufactured at 0.250 to 0.270 inches in thickness with a shore 00 scale hardness of 45 to 55. The inner stiffener layer 16 of foam pad material <sup>is</sup> ~~are~~ manufactured to 0.200 to 0.225 inches of thickness with a shore 00 scale hardness of 75 to 85.

By producing the outer material layers as specified levels of hardness of shore 00 hardness scale 45 to 55 a dry surface coefficient of friction index of 2.1 as obtained by the English XL slipmeter test method can be obtained.

By comparison the dry English XL slipmeter index of the following materials is offered for comparison.

|               |                             |
|---------------|-----------------------------|
| DRY ICE       | .2 COEFFICIENT OF FRICTION  |
| WET ICE       | .0 COEFFICIENT OF FRICTION  |
| HORSE HAIR    | .4 COEFFICIENT OF FRICTION  |
| LEATHER       | .3 COEFFICIENT OF FRICTION  |
| ROUGH CEMENT  | 1.2 COEFFICIENT OF FRICTION |
| DENIM TEXTILE | .4 COEFFICIENT OF FRICTION  |

The inner stiffener layer 16 of material is designed and manufactured to provide stiffness, air-flow, and durability. The top 12 and bottom 14 outer layer material is designed and manufactured to provide a non-slip surface, air flow, and softness. The manufacturing of the poly vinyl chloride foam pad material and the associated specifications can accomplished varying the raw materials used, the types of chemical compounds used and by varying the oven processing speed and temperature setting combinations.

Although similar materials are sold under different trademarks, the materials used in the preferred embodiments are sold by Vantage Industries of Atlanta Georgia under the trademarks, Sultan, Soft-Grip, and Soft-Tex.

While the foregoing detailed description has described several embodiments of the saddle pad design in accordance with this invention, it is to be understood that the above description is illustrative only and not limiting of the disclosed invention.

The claims and the specification describe the invention presented and the terms that are employed in the claims draw their meaning from the use of such terms in the specification. The same terms employed in the prior art may be broader in meaning than specifically employed herein. Whenever there is a question between the broader definition of such terms used in the prior art and the more specific use of the terms herein, the more specific meaning is meant.

While the invention has been described with a certain degree of particularity, it is manifest that many changes may be made in the details of construction and the arrangement of components without departing from the spirit and scope of this disclosure. It is understood that the invention is not limited to the embodiments set forth herein for purposes of exemplification, but is limited only by the scope of the attached claim or claims, including the full range of equivalency to which each element thereof is entitled.

What is claimed:

7. A saddle pad apparatus, comprising:  
a first non-slip top layer;  
a second non-slip bottom layer;  
at least one stiffener layer contained between said top layer and said bottom layer, wherein at least one layer is constructed from a scrim.
8. The saddle pad apparatus of claim 7, wherein:  
said top layer and said bottom layer are bonded together by stitching.
9. The saddle pad apparatus of claim 7, wherein:  
said top layer and said bottom layer are bonded together by dielectric welding.
10. The saddle pad apparatus of claim 7, wherein:  
said top and bottom layers are different colors.
11. The saddle pad apparatus of claim 7, wherein:  
said top and bottom layers are constructed from a poly vinyl chloride material.
12. The saddle pad apparatus of claim 7, wherein:  
said top and bottom layers are constructed from a scrim.



13. The saddle pad apparatus of claim 12, wherein:

said scrim is constructed from fibers knitted into a network having intermittent openings spaced along a surface of said scrim.

14. The saddle pad apparatus of claim 13, wherein:

said scrim is knitted to provide fibrous areas that are sufficient to hold and collect a liquid poly vinyl chloride material and still maintain openings that will not hold and collect said liquid poly vinyl chloride material.

15. The saddle pad apparatus of claim 14, wherein:

said liquid poly vinyl chloride material is chemically blown onto said fibrous areas.

16. The saddle pad apparatus of claim 14, wherein:

said liquid poly vinyl chloride material is applied by dipping said fibrous areas into said liquid poly vinyl chloride material.

17. The saddle pad apparatus of claim 7, wherein:

<sup>at least one</sup>  
said stiffener layer is constructed from ventilated cushion materials.

18. The saddle pad apparatus of claim 7, wherein:  
*at least one*  
said stiffener layer increases the weight distribution area of the saddle pad apparatus.
19. The saddle pad apparatus of claim 7, wherein:  
*at least one*  
said stiffener layer increases the contact area of the saddle pad apparatus.
20. The saddle pad apparatus of claim 7, wherein:  
*at least one*  
said stiffener layer is constructed from a poly vinyl chloride material.
21. The saddle pad apparatus of claim 7, wherein:  
*at least one*  
said stiffener layer is constructed from a scrim.
22. The saddle pad apparatus of claim 21, wherein:  
  
said scrim is constructed from fibers knitted into a network having intermittent openings spaced along a surface of said scrim.
23. The saddle pad apparatus of claim 22, wherein:  
  
said scrim is knitted to provide fibrous areas that are sufficient to hold and collect a liquid poly vinyl chloride material and still maintain openings that will not hold and collect said liquid poly vinyl chloride material.

24. The saddle pad apparatus of claim 23, wherein:

said liquid poly vinyl chloride material is chemically blown onto said fibrous areas.

25. The saddle pad apparatus of claim 23, wherein:

said liquid poly vinyl chloride material is applied by dipping said said fibrous areas into said liquid poly vinyl chloride material.

26. A method for constructing a saddle pad apparatus, comprising:

knitting a scrim from fibers to form a network having both intermittent openings and fibrous areas spaced along a surface of said scrim;

applying a poly vinyl chloride to the fibrous areas of said scrim;

expanding said liquid poly vinyl chloride into foam to form a saddle pad apparatus.

~~27. A saddle pad apparatus, comprising:~~

~~at least one layer constructed from a scrim.~~

### ABSTRACT OF THE DISCLOSURE

A saddle pad apparatus constructed from a first non-slip top layer which is stitched or welded to a second non-slip bottom layer with a stiffening layer contained between the top and bottom layers. Each layer is constructed from a poly vinyl chloride impregnated scrim. Each scrim is constructed with ventilation openings to allow for proper ventilation between the load being carried and the animal. The scrims are manufactured by applying a poly vinyl chloride material onto a fiber network with fibers areas and open areas to create a scrim with appropriate stiffness, softness, and ventilation while maintaining other appropriate characteristics.

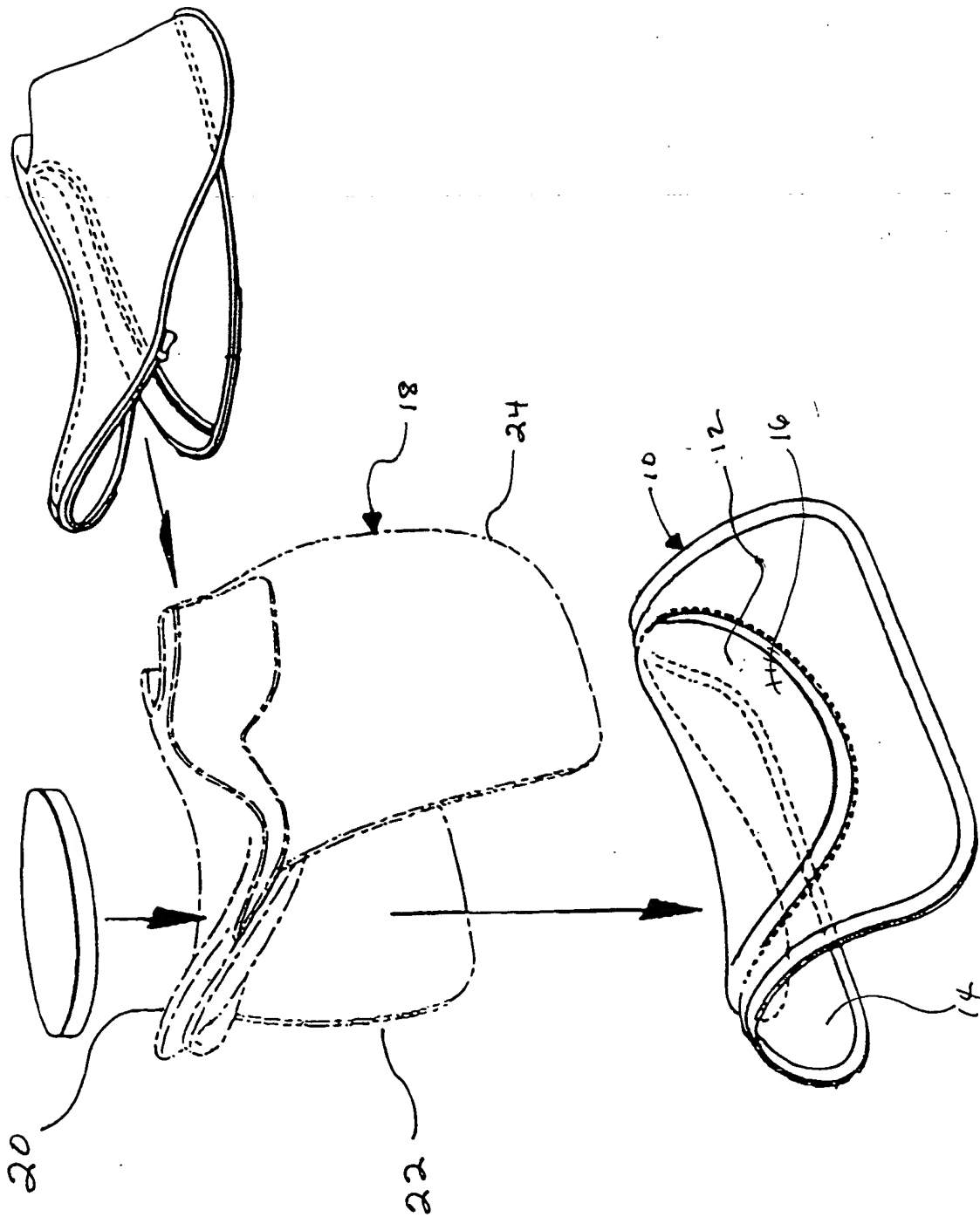
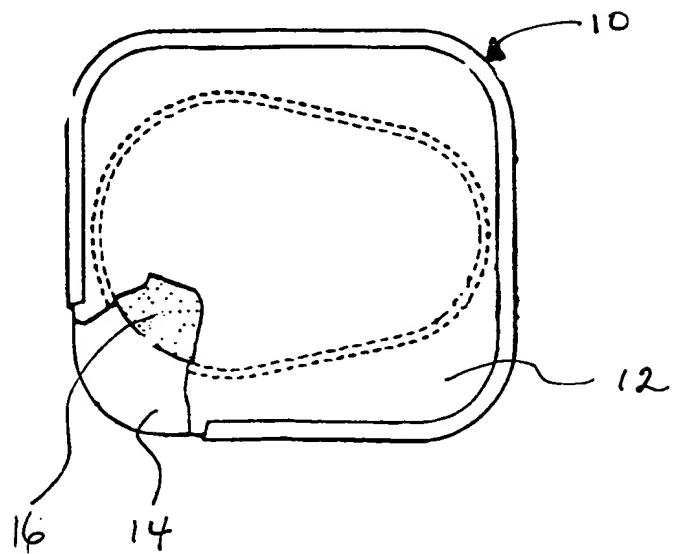
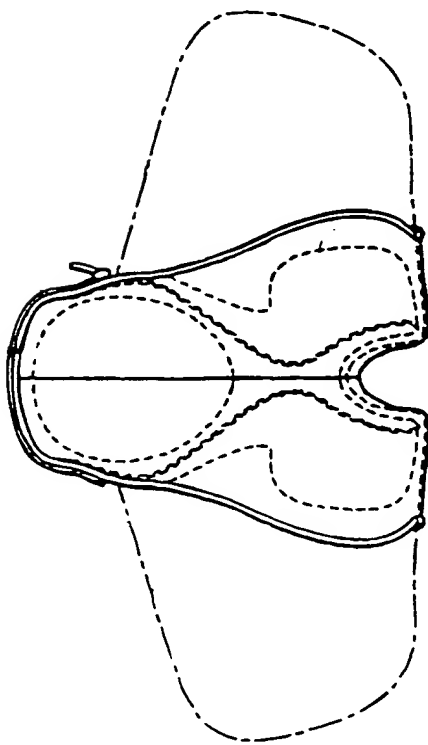
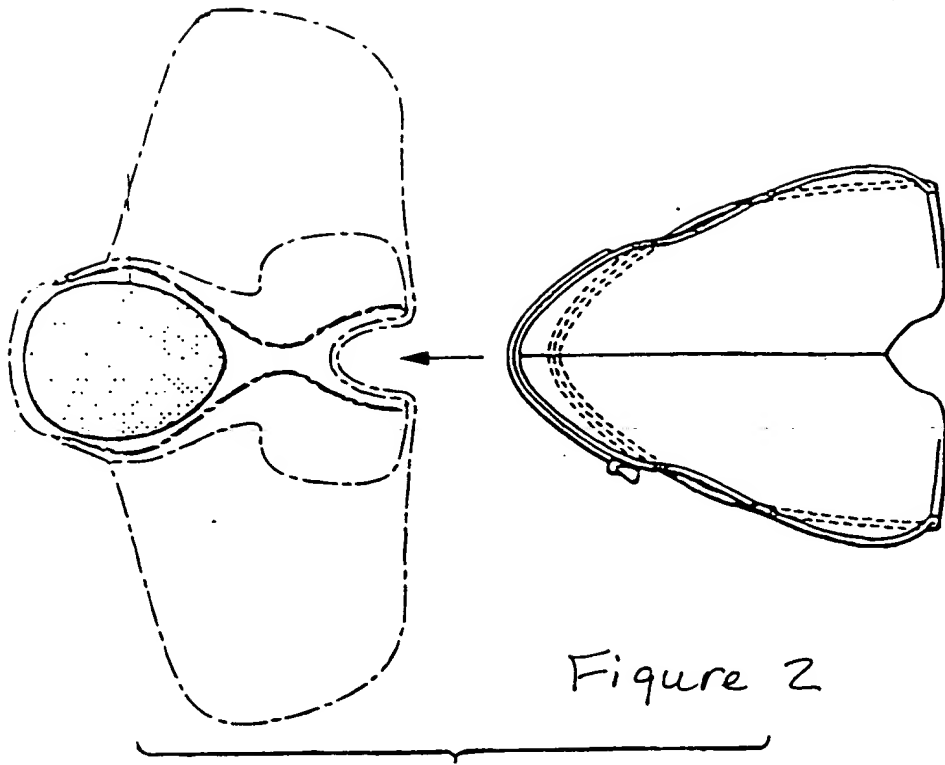


Figure 1



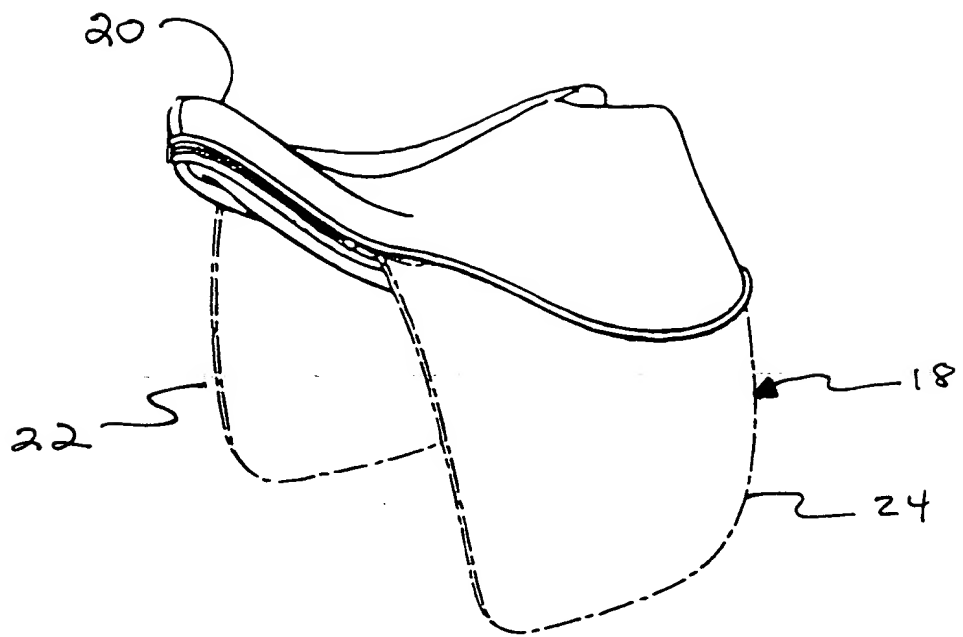


Figure 5

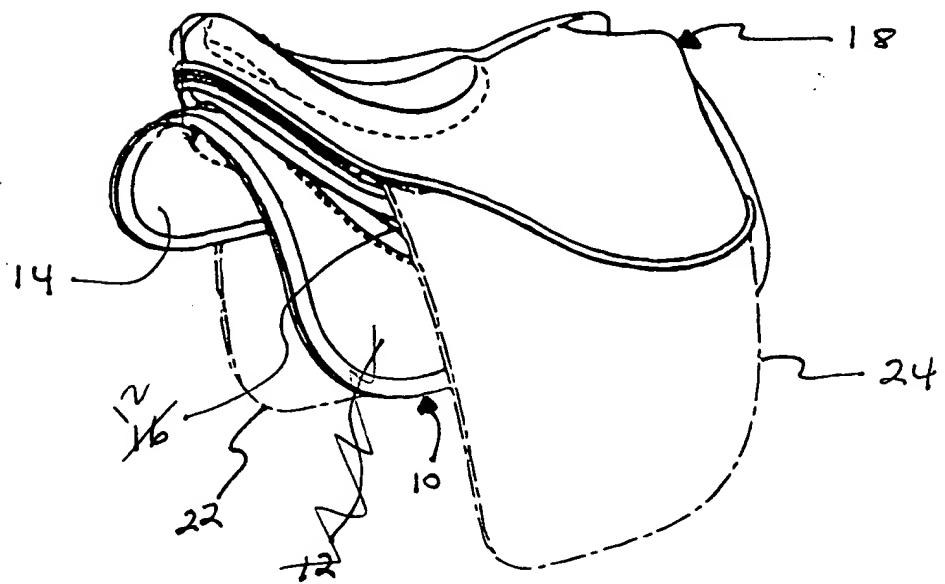


Figure 6

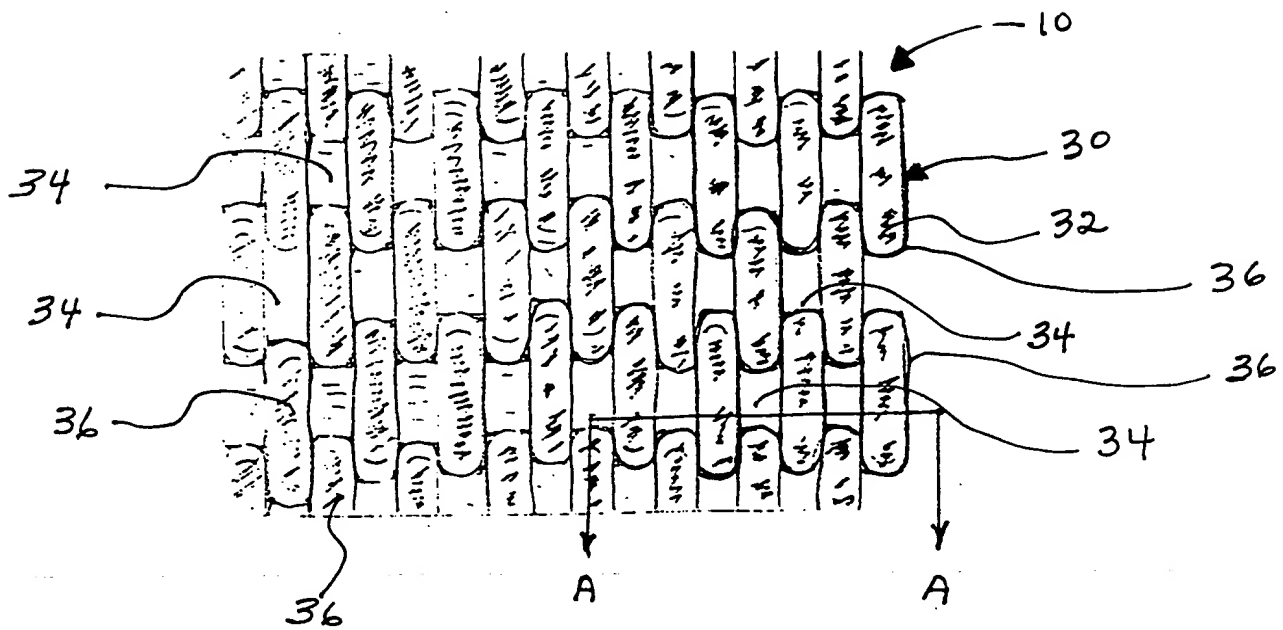


Figure 7



Figure 8

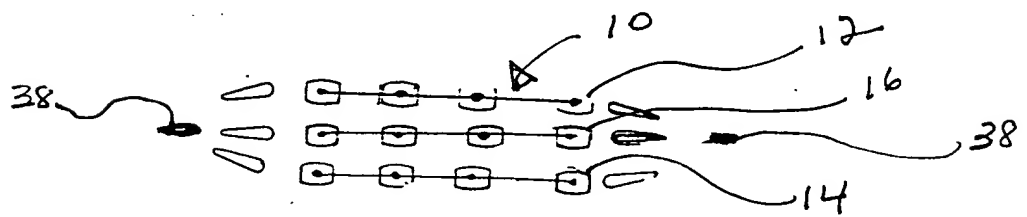


Figure 9



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip and Ventilated Horse Saddle Pad  
Group Art Unit: 3643  
Examiner: Swiatek, R.  
Attorney's Docket No. 3843

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor of the invention entitled "Non-Slip and Ventilated Horse Saddle Pad" described and claimed in the specification which was filed on October 24, 1997 as Application Serial No. 08/957,494.

I have reviewed and understand the contents of the specification, including the claims, in the above-referenced application, as amended by any amendment specifically referred to in the Declaration.

I acknowledge my duty pursuant to 37 C.F.R. §1.56 to disclose information of which I am aware which is material to the patentability of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

Fx# 615-240-2221

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Mark J. Patterson (Reg. No. 30,412)  
I. C. Waddey, Jr. (Reg. No. 25,180)  
Edward D. Lanquist, Jr. (Reg. No. 33,729)  
Lucian Wayne Beavers (Reg. No. 28,183)  
Laura K. Thomas (Reg. No. 39,856)  
Emily A. Shouse (Reg. No. 44,336)  
414 Union Street, Suite 2020  
NationsBank Plaza  
Nashville, TN 37219

Address all telephone calls to I.C. Waddey, Jr. at telephone number (615) 242-2400.

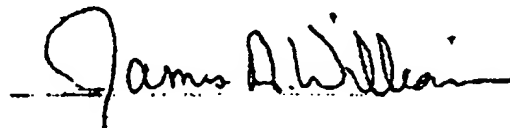
Address all correspondence to:

I.C. Waddey, Jr.  
Waddey & Patterson  
A Professional Corporation  
414 Union Street, Suite 2020  
NationsBank Plaza  
Nashville, TN 37219

Full name of Inventor:

James A. Williams

Inventor's signature:



3-9-99  
Date

Residence:

116 Sunlite Road  
Shelbyville, TN 37162

Citizenship:

United States

Post Office Address:

116 Sunlite Road  
Shelbyville, TN 37162

Docket No.: 3843  
Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
Title: Non-Slip and Ventilated Horse Saddle  
Padt

The following papers were received in the U.S. Patent  
and Trademark Office:

Response and Amendment  
Substitute Specification  
Declaration and Power of Attorney  
Certificate of First Class Mailing

I.C. Waddey, Jr.      Date Mailed: March 9, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PMS1/0325

JAMES A WILLIAMS  
113 NORTH LINDA DRIVE  
SHELBYVILLE TN 37169

RECEIVED

NOV 02 2004

OFFICE OF PETITIONS

| APPLICATION NO.                 | FILING DATE               | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|---------------------------------|---------------------------|--------------|-----------------------------|---------------|
| 08/957,494                      | 10/24/97                  | 020          | SWIATEK, R                  | 3643 05/25/99 |
| First Named Applicant WILLIAMS, | 35 USC 154(b) term ext. = |              |                             | 0 Days.       |

TITLE OF INVENTION NON-SLIP HORSE SADDLE PAD

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|----------|----------|
| 3                 | 054 000,000    | 135       | UTILITY     | YES          | \$603.00 | 08/25/99 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

## HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

Complete and mail this form, together

Applicable fees, to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

AUG 25 1999

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

PMS1/0525

JAMES A WILLIAMS  
110 NORTH LINDA DRIVE  
SHELBYVILLE TN 37160

Note: The certificate below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

James A. Williams (Depositor's name)

James A. Williams (Signature)

8-13-99

(Date)

| APPLICATION NO.                   | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-----------------------------------|-------------|--------------|-----------------------------|---------------|
| 08/957,494                        | 10/24/97    | 020          | SWIA TEK. R                 | 3643 05/25/99 |
| First Named Applicant             | WILLIAMS.   |              |                             |               |
| 35 USC 154(b) term ext. = 0 Days. |             |              |                             |               |

TITLE OF INVENTION: NON-SLIP HORSE SADDLE PAD

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NOV 02 2004

OFFICE OF PETITIONS

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|----------|----------|
| 0                 | 051-066.000    | 158       | UTILITY     | YES          | \$605.00 | 08/25/99 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. James A. Williams

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

James A. Williams

(B) RESIDENCE: (CITY &amp; STATE OR COUNTRY)

116 Sunrise Dr Shelbyville TN USA

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER \_\_\_\_\_  
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

James A. Williams

(Date)

8-13-99

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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AUG 27 1999

Publishing Division  
08

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SHREVEPORT, LA 70560

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87-143/641

Date 8-12-99

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Dollars



Security details on back

UNION PLANTERS BANK  
Shelbyville, Tennessee

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EQUI-TECH LABS, INC.

MATERIAL PURCHASES ACCOUNT

PATENT ISSUE FEE

81951494

James A. Wilkins

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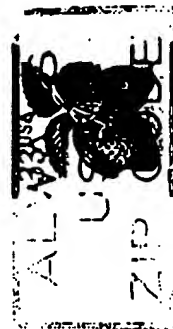
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DO NOT SIGN / WRITE / STAMP BELOW THIS LINE  
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ENDORSE HERE

 *Jim Williams*  
*Equi-Tech Labs, Inc.*   
116 Sunnyside Road • P.O. Box 2034 • Shelbyville, TN 37162



Box Issue Fee  
Assistant Commissioner for Paken  
Washington, D.C. 20231

11111111111111111111




**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

08/957,494 10/24/97 WILLIAMS

J

 James A Williams  
601 Halls Mill Rd  
Shelbyville TN 37160-6016

|          |
|----------|
| EXAMINER |
|----------|

SWIATEK, R

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3643

09

DATE MAILED:

05/11/00

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

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OFFICE OF PETITIONS

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

 ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE OF THE COMMISSIONER FOR PATENTS

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip Horse Saddle Pad  
Group No. 3643  
Attorney's Docket No. 3843  
Customer No. 23456

**DECLARATION OF I.C. WADDEY, JR., ESQ.**  
**IN SUPPORT OF THE PETITION TO REVIVE**

I, I.C. ("Jack") Waddey, Jr. declare and state the following in support of the Petition to Revive the above-captioned application:

1. I am a registered patent attorney and am a member of the law firm Waddey & Patterson, PC, which is located in Nashville, Tennessee.

2. James A. Williams, the inventor of the above-captioned application, filed the above-captioned application as a *pro se* inventor on October 24, 1997. (See Exhibit A to the Declaration of James A. Williams filed concurrently herewith.)

3. After receiving the first Office Action (copy attached as Exhibit B to the Declaration of James A. Williams filed concurrently herewith), Mr. Williams contacted me and asked me to represent him, which I agreed to do. We met in December 1998 to discuss this matter and the outstanding official action that he had received. We met a few weeks later, in January of 1999, and, in accordance with his instructions, I prepared a proper response to the official action. Additionally, we arranged to have Mr. Williams sign a Declaration and Power of Attorney. (A copy of the executed Declaration and Power of Attorney is attached as Exhibit 1 hereto.) Also, a copy of the complete Response and Amendment, substitute specification, revised drawings, and self-addressed stamped postcard are attached as Exhibit C to the Declaration of James A. Williams filed concurrently herewith.

4. The Response and Amendment and Declaration and Power of Attorney were timely filed, together with a self-addressed, stamped postcard, with the US Patent Office. The return postcard indicates that all of these documents, including the Declaration and Power of Attorney, were received by the US Patent Office. A copy of the return postcard is attached as Exhibit 2 hereto.

5. The file wrapper that we received indicates that I had an interview with the Examiner to address some amendments to the specification and claims on or about May 20, 1999. It is my recollection, however, that the Examiner actually discussed the amendments with David Pieper, an associate in my office at that time. It is my recollection that Mr. Pieper told me about the conversation and that he thought that the application was going to be allowed. I may have relayed that information to Mr. Williams.

6. Because the Examiner spoke with an attorney at our firm - either me or Mr. Pieper - about the merits of the case, this indicates to me that the Examiner saw the Declaration and Power of Attorney and that it was properly associated with the file.

7. We did not receive the Interview Summary or the Notice of Allowability.

8. Even though I was appointed attorney of record and even though the examiner discussed the application with either me or Mr. Pieper, the US Patent Office sent the inventor, rather than his appointed attorney, the Notice of Allowance and Issue Fee Due. (See Exhibit D attached to the Declaration of James A. Williams filed concurrently herewith, which shows the Notice of Allowance sent to the inventor's address of 113 North Linda Drive in Shelbyville, TN.)

9. After a long while and because our firm had not received any communications about this matter from the patent office, another member of our firm sent a Status Request to the US Patent Office on or about August 29, 2001. A copy of this is attached as Exhibit 3.

10. We did not receive any response to our Status Request.

11. Mr. Pieper left our firm to form his own practice in Arkansas in August of 2002.

12. Our file does contain a print out of the prosecution history for this matter; the printout is dated February 19, 2002. This printout has handwritten notes on it commenting on the Patent Office's receipt of the issue fee, the drawing requirement and the subsequent abandonment. These notes are not in my handwriting and they are not initialed, signed or dated. While I am not certain, it's my best guess that these notes were made by our paralegal at that time, who has since left the firm due to a medical disability. This paralegal was then and remains highly qualified, efficient and well-trained in US Patent Office procedures, docketing and file maintenance. At that time, one of his duties would have been to purge dead

files from our file cabinets and send them to storage. My guess is that, when he came across this file and saw that there was no response to the status request, he did a search on the Patent Office's web page to see if he could learn more about the case's status. He obviously saw that it was abandoned because this entry was highlighted. Our firm procedure is to bring abandoned matters to the attention of the billing attorney so that the billing attorney can determine whether the matter was intentionally abandoned and should be sent to storage or whether steps should be taken to attempt to revive it. Our paralegal never brought this matter to my attention. I suspect that this matter was inadvertently put in the wrong pile and unwittingly sent to storage.

13. On or about February 25, 2004, the inventor contacted me about an infringement issue. Upon looking into the matter, I personally investigated this matter and confirmed from the Patent Office's information retrieval system that the application had gone abandoned.

14. We were confused by this, particularly since the Declaration and Power of Attorney appeared to have been received (as evidenced by the return postcard) and since the Examiner had called to discuss the merits of the case. As a result, I had my assistant, Ruth Cropper, contact the Examiner to see what had happened because our file did not show any communications with the Patent Office other than the filing of the response to the Patent Office on March 9, 1999 and the Status Request filed in August 2001.

15. In response to our inquiry, Examiner Swiatek faxed to us six pages on March 9, 2004 at 10:58 a.m., which show the Notice of Allowability and the Notice of Abandonment. See Exhibit 4 attached hereto. We note in particular that on the Notice of Abandonment, someone at the Patent Office has handwritten in the mailing address of 601 Halls Mill Road in Shelbyville, TN, which is different than the address that the inventor set out in his original declaration, i.e., 113 North Linda Drive.

16. Because we could not read the address on the Notice of Allowability and Issue Fee Due, we contacted Examiner Swiatek again and on March 9, 2004 at 11:48 a.m., he faxed a two-page document to us including a readable copy of the Notice of Allowability and Issue Fee Due. See Exhibit 5 attached. This document shows that they were sent to the address set out in the declaration originally filed by the inventor, i.e., 113 North Linda Drive.

17. None of the documents contained in Exhibits 4 and 5 were sent to us prior to March 2004.

18. Based on this information, I spoke with the inventor by telephone and received authorization to proceed with this petition to revive. Prior to receiving these fax copies, I had never seen the Notice of Allowability or the Notice of Abandonment, and neither of these documents were sent to our firm by the Patent Office.

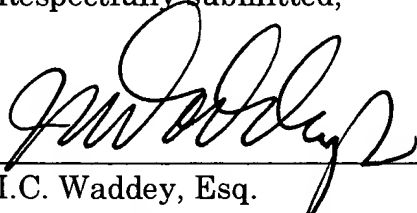
19. Since our correspondence with the inventor in March of 2004, we have undertaken a thorough investigation into this matter. Our investigation into this matter was somewhat hampered by the fact that this case is so old. We had to retrieve our file from storage, we ordered a copy of the file wrapper from the US Patent Office, we had the inventor locate and review all his files about this matter, and we conducted legal research into the issue of reviving this case given the amount of time that has passed since the Notice of Abandonment was mailed.

20. Based on the above recitation of facts, it is my opinion that the entire delay in filing the required drawings from the due date for replying to the Notice of Allowance and Issue Fee Due until now was unavoidable, or, in the alternative, unintentional, pursuant to 37 C.F.R. § 1.137(a), (b), respectively.

I declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any resulting registration resulting therefrom.

Respectfully submitted,

10/25/04  
Date

  
\_\_\_\_\_  
I.C. Waddey, Esq.  
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip and Ventilated Horse Saddle Pad  
Group Art Unit: 3643  
Examiner: Swiatek, R.  
Attorney's Docket No. 3843

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DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor of the invention entitled "Non-Slip and Ventilated Horse Saddle Pad" described and claimed in the specification which was filed on October 24, 1997 as Application Serial No. 08/957,494.

I have reviewed and understand the contents of the specification, including the claims, in the above-referenced application, as amended by any amendment specifically referred to in the Declaration.

I acknowledge my duty pursuant to 37 C.F.R. §1.56 to disclose information of which I am aware which is material to the patentability of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

Ex.# 615-242-2221

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Mark J. Patterson (Reg. No. 30,412)  
I. C. Waddey, Jr. (Reg. No. 25,180)  
Edward D. Lanquist, Jr. (Reg. No. 33,720)  
Lucian Wayne Beavers (Reg. No. 28,183)  
Laura K. Thomas (Reg. No. 39,856)  
Emily A. Shouse (Reg. No. 44,336)  
414 Union Street, Suite 2020  
NationsBank Plaza  
Nashville, TN 37219

Address all telephone calls to I.C. Waddey, Jr. at telephone number (615) 242-2400.

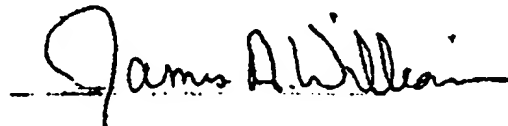
Address all correspondence to:

I.C. Waddey, Jr.  
Waddey & Patterson  
A Professional Corporation  
414 Union Street, Suite 2020  
NationsBank Plaza  
Nashville, TN 37219

Full name of Inventor:

James A. Williams

Inventor's signature:



Date

3-9-99

Residence: 116 Sunlite Road  
Shelbyville, TN 37162

Citizenship: United States

Post Office Address: 116 Sunlite Road  
Shelbyville, TN 37162



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NOV 02 2004

OFFICE OF PETITIONS

Doc No.: 3843  
Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
Title: Non-Slip and Ventilated Horse Saddle Pad



DOCKET DATE: 12/1/97  
ASSIGNED BY: J.A.  
DOCKETED BY: J.A.  
DATE: 11/1/97

The following papers were received in the U.S. Patent and Trademark Office:

Response and Amendment  
Substitute Specification  
Declaration and Power of Attorney  
Certificate of First Class Mailing

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MAR 18 1999  
WADDEY AND PATTERSON, P.C.

I.C. Waddey, Jr. Date Mailed: March 9, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Williams  
Serial No.: 08/957,494  
Filed: October 24, 1997  
For: Non-Slip And Ventilated Horse Saddle Pad  
Group No. 3643  
Attorney's Docket No. 3843  
Customer No. 23456

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NOV 02 2004  
OFFICE OF PETITIONS

STATUS REQUEST

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This application was filed on October 24, 1997. In response to an Office Action of December 9, 1998, applicant filed a substitute specification on March 9, 1999. Since then applicant has heard nothing from the Patent and Trademark Office.

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 23-0035.

Respectfully submitted,



---

Edward D. Lanquist, Jr.  
Registration No. 33,729  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456  
ATTORNEY FOR APPLICANT

This attorney is located at our Nashville, Tennessee office and can be contacted directly at:

Edward D. Lanquist, Jr.  
Wadley & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, August 29, 2001.

Edward D. Lanquist, Jr.



\_\_\_\_\_  
Registration No. 33,729

*Aug 29, 2001*

\_\_\_\_\_  
Date

The following papers were received in the U.S. Patent and Trademark Office:

Serial No.: 8/957,494  
Applicant: James A. Williams  
Atty. Docket : 3843  
Customer No. 3456  
Filed: October 24, 1997  
Title: Non slip and Ventilated Horse Saddle Pad

Documents Sent: Status Request  
Transmittal Postcard

Edward D. Lanquist, Jr.

Date Mailed: August 29, 2001

RECEIVED

MAR 09 2004

WINDEY AND PATTERSON, P.C.



UNITED STATES PATENT AND TRADEMARK OFFICE

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## Fax Cover Sheet

Date: 09 Mar 2004

|  |                                |
|--|--------------------------------|
| To: Ms. Ruth Cropper   | From: Robert P. Swiatek        |
| Application/Control Number: 08/957,494   | Art Unit: 3643                 |
| Fax No.: 615/242-2221  | Phone No.: 703/308-2700        |
| Voice No.: (615) 242-2400  | Return Fax No.: (703) 872-9306 |
| Re: 08/957,494 Papers  | CC:                            |
| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request |                                |

## Comments:

Accompanying are the issue and abandonment documents you require. If I can be of further assistance, don't hesitate to call me.

Number of pages 6 including this page

## STATEMENT OF CONFIDENTIALITY

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Notice of Allowability**Application No.  
08/957,494Applicant(s)  
WilliamsExaminer  
Robert P. SwiatekGroup Art Unit  
3643

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment filed 12 March 1999; telephone interview of 20 May 1999.

☒ The allowed claim(s) is/are 7-26.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 2.

☒ including changes required by the proposed drawing correction filed on 12 Mar 1999, which has been approved by the examiner.

☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

Robert P. Swiatek

GROUP 1 P. 1/10/04  
PCT UNIT 3643


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**
**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

| APPLICATION NO.       | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|-------------|--------------|-----------------------------|-------------|
|                       |             |              |                             |             |
| First Named Applicant |             |              |                             |             |
| TITLE OF INVENTION    |             |              |                             |             |

| ATTYS DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|------------------|----------------|-----------|-------------|--------------|---------|----------|
|                  |                |           |             |              |         |          |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

Complete and mail this form, together

applicable fees, to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

AUG 25 1999

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

PNS1/0525

JAMES A WILLIAMS  
113 NORTH LINDA DRIVE  
SHELBYVILLE TN 37160

Note: The certificate below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

James A. Williams (Depositor's name)

James A. Williams (Signature)

8-18-99

(Date)

| APPLICATION NO.       | FILING DATE        | TOTAL CLAIMS              | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-----------------------|--------------------|---------------------------|-----------------------------|---------------|
| 08/957,494            | 10/24/97           | 020                       | SWIATEK, R                  | 3643 05/25/99 |
| First Named Applicant | WILLIAMS, JAMES A. | 35 USC 154(b) term ext. = | 0 Days.                     |               |

TITLE OF INVENTION: NON-SLIP HORSE SADDLE PAD

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|----------|----------|
| 3                 | 051-066,000    | 150       | UTILITY     | YFR          | \$695.00 | 08/25/99 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. James A. Williams

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

James A. Williams

(B) RESIDENCE: (CITY &amp; STATE OR COUNTRY)

116 Sunrise Dr Shelbyville TN USA

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER \_\_\_\_\_  
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

James A. Williams

(Date)

8-18-99

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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08



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 Jim Williams  
 Equi-Tech Labs, Inc.   
 116 Sunnyside Road • P.O. Box 2024 • Springfield, TN 37762



Box Issue Fee  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

116 Sunnyside Road



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**Patent and Trademark Office**  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

08/957,494 10/24/97 WILLIAMS

James A Williams  
 601 Halls Mill Rd  
 Shelbyville TN 37160-6016

| EXAMINER   |              |
|------------|--------------|
| SWIATEK, R |              |
| ART UNIT   | PAPER NUMBER |

3643

09

DATE MAILED:

05/11/00

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT**  
**CONTACT PERSON IS:**  
**TOM HAWKINS**  
**305-8380**

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MAR 09 2004

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OFFICE OF PETITIONS

Date: 09 Mar 2004

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|--|--------------------------------|
| To: Ms. Ruth Cropper   | From: Robert P. Swiatek        |
| Application/Control Number: 08/957,494   | Art Unit: 3643                 |
| Fax No.: 615/242-2221  | Phone No.: 703/308-2700        |
| Voice No.: (615) 242-2400  | Return Fax No.: (703) 872-9306 |
| Re: 08/957,494 Papers  | CC:                            |
| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request |                                |

## Comments:

The Notice of Allowance and Issue Fee Due has been recopied so it's darker. It should be readable when faxed, but if not, please call and I'll try again at the darkest setting.

-RPS

Number of pages 2 including this page

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PM51/0525

JAMES A WILLIAMS  
113 NORTH LINDA DRIVE  
SHELBYVILLE IN 37160

| APPLICATION NO.       | FILING DATE                                 | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-----------------------|---|--------------|-----------------------------|---------------|
| 08/957,494            | 10/24/97                                    | 020          | SWIATEK, R                  | 3643 05/25/99 |
| First Named Applicant | WILLIAMS, 35 USC 154(b) term ext. = 0 Days. |              |                             |               |

TITLE OF INVENTION NON-SLIP HORSE SADDLE PAD

| ATTYS DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE  | DATE DUE |
|------------------|----------------|-----------|-------------|--------------|----------|----------|
| 3                | 054 002.000    | 155       | UTILITY     | YES          | \$600.00 | 08/25/99 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

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